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Measures to eliminate international terrorism

Security Council
Sixty-sixth year

Note verbale dated 13 October 2011 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of Cuba to the United Nations has the honour to transmit herewith a Declaration by the National Assembly of People's Power of Cuba, dated 11 October 2011, for circulation as a document of the General Assembly, under agenda item 109, and of the Security Council (see annex).

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Annex to the note verbale dated 13 October 2011 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Declaration

On 7 October of this year the Cuban anti-terrorism fighter René González Sehweret was released from Marianna Prison in northern Florida, United States of America, after 13 years of unjust imprisonment.

Since their incarceration in 1998, René González Sehweret and his comrades Gerardo Hernández Nordelo, Ramón Labañino Salazar, Antonio Guerrero Rodríguez and Fernando González Llort have suffered cruel and degrading conditions of imprisonment and have been subjected to all kinds of pressure and abuses, including separation from their families. All of the hatred of which they have been victims has not succeeded in shattering their faith and with extraordinary stoicism and admirable strength of character throughout it all they have exhibited exemplary behaviour as prisoners.

The dignity and nobility displayed by our five comrades in refusing to abandon their principles under any circumstances, together with the motives of political revenge that marked the court proceedings that were used to convict the Five, are what led Judge Joan Lenard to impose a new and unjustified punishment on René, denying on 16 September a motion to allow him to return to Cuba and rejoin his family and his people following his release from prison.

The judge's ruling, which reaffirms the special and additional condition prohibiting René, following his release from prison, "from associating with or visiting specific places where individuals or groups such as terrorists, ... are known to be or frequent," which was included at the express request of the Government, constitutes incontrovertible proof that anti-Cuban terrorists continue to enjoy total impunity and the support of the United States authorities.

For more than 50 years successive administrations in that country have harboured anti-Cuba terrorism and have protected individual terrorists and terrorist organizations on their territory. These people, responsible for so much death and suffering, live there in conditions of complete normalcy, with priority access to the mass media and total impunity to organize and promote terrorism against our country. The very acknowledgement of this reality by the judge and the Government confirms the state of necessity that compelled us to penetrate the terrorist groups and demonstrates that the harsh sentences imposed on the Five were aimed at protecting the real terrorists, such as Luis Posada Carriles, who are living undisturbed in Florida.

It is certain that the United States Government knows perfectly well that requiring René to reside in United States territory constitutes a serious threat to his life and physical safety. The United States authorities will bear the responsibility for whatever may happen.

Awareness of the cause of the Five is growing around the world. Thousands of men and women in every place and from all walks of life have joined the fight for their release, including many parliamentarians and legislative bodies. We express our gratitude to these men and women on behalf of the Five and their families, who

are also victims of great injustice, for their support for efforts to secure their freedom.

This has not been an easy road, however, nor is it now, since we are up against the pursuit of revenge, the hatred and the obsession that have always dominated the United States in its dealings with Cuba because it has not succeeded in subduing our people. We are also up against the stony silence about this case in the media, which, with very few exceptions, have made no reference whatsoever to this injustice.

We firmly believe that with solidarity all things are possible and that just causes are bound to triumph over lies and injustice. Accordingly, we call upon all parliaments and all members of parliaments, all political and social forces and groups committed to truth and justice, all decent men and women around the world, to exert their influence to get President Barack Obama of the United States to do what he must do: allow René to return immediately to his family and free the four comrades who have shared his struggle and captivity.

Let us do all that we can to ensure that justice is done.

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Fourteenth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The current report is my fourteenth semi-annual report on the implementation of Security Council resolution 1559 (2004). It reviews and assesses the process of the implementation of the resolution since my previous report issued on 19 April 2011 (S/2011/258). It notes the absence of tangible progress on key provisions of the resolution, and highlights concerns that continue to impede efforts to strengthen Lebanon's sovereignty, territorial integrity and political independence, which is the main objective of the resolution.

2. Lebanon was in effect without a Government during the first half of 2011. In the six months leading to the formation of the new Government by Prime Minister Mikati, political polarization deepened markedly and Lebanon grew increasingly susceptible to the regional political tumult, especially in the neighbouring Syrian Arab Republic. The absence of political authority generated institutional paralysis and a deterioration of security conditions in the country. In addition it halted processes that are fundamental for the implementation of this and other Security Council resolutions pertaining to Lebanon.

3. On 13 June, then Prime Minister-Designate Najib Mikati announced the formation of a new Government. The new Cabinet is composed of 30 ministers, the majority of whom belong to the 8 March Alliance.

4. On 7 July, following three days of intense debate in Parliament underlining the deep division between the 8 March and 14 March Alliances, Prime Minister Mikati's Government won a vote of confidence. The 68 Members of Parliament out of 128 who voted in favour represent the new majority, composed, inter alia, of Hizbullah, the Amal movement, the Free Patriotic Movement, the Progressive Socialist Party, the El Marada Party and others. The 60 Members of Parliament of the 14 March Alliance boycotted the vote of confidence to protest what they termed a coup by Hizbullah to reverse the results of the 2009 parliamentary elections that the 14 March Alliance had won. In their opinion, Hizbullah and the Syrian Arab Republic imposed the new government.

5. During the reporting period, the work of the Special Tribunal for Lebanon has remained a major issue in the country. On 28 June, Pre-Trial Judge Daniel Fransen

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of the Special Tribunal for Lebanon confirmed an indictment relating to the assassination of former Prime Minister Rafiq Hariri and other Lebanese citizens. The indictment and accompanying arrest warrants were transmitted to the Lebanese authorities on 30 June 2011. On 9 August, the Lebanese authorities reported to the Tribunal on the measures that they have taken to search for, arrest and transfer those accused in the attack on 14 February 2005. In his report, the Lebanese Prosecutor General stated that so far none of the four people who are accused has been detained. On 17 August, the Pre-Trial Judge ordered that his decision confirming the indictment, as well as the indictment itself, be made public. Meanwhile, to date, the payment of the contribution of the Government of Lebanon to the Tribunal budget remains pending. I have repeatedly expressed my full support for the important work of the Tribunal and reiterated my call for full cooperation from the Government of Lebanon, including for the funding of the Tribunal.

6. Over the last six months, developments in the neighbouring Syrian Arab Republic have taken a growing toll on Lebanon's political dynamics and have deepened political and sectarian divisions in the country. The political divide between the 8 March and 14 March Alliances has increasingly revolved around the question of Syria, with demonstrations both in favour and against the Syrian regime taking place in several Lebanese cities.

II. Implementation of resolution 1559 (2004)

7. Since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, several of its provisions have been implemented. Presidential and parliamentary elections took place in a free and fair manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and Syria established full diplomatic relations in 2009.

8. Yet, other provisions remain to be implemented. The delineation of the Syrian-Lebanese border, which was strongly encouraged by the Security Council in its resolution 1680 (2006), has not yet taken place. More importantly, the existence and activities of Lebanese and non-Lebanese militias continue to pose a threat to the stability of the country and the region, and highlight the need for the Government of Lebanon and the Lebanese Armed Forces to increase their efforts to exercise a full monopoly on the use of force throughout Lebanon. More needs to be done to achieve the full implementation of resolution 1559 (2004), and to maintain the achievements already accomplished.

9. I took careful note that, in his address at the general debate of the sixty-sixth session of the General Assembly on 21 September, President Sleiman renewed the commitment of Lebanon to respecting resolutions of international legitimacy. I also took note that Prime Minister Mikati, in his address to the Security Council on 27 September, affirmed Lebanon's full respect for all United Nations resolutions. Since he took office last July, Prime Minister Mikati has repeatedly renewed this commitment in public pronouncements.

10. Over the last six months, there has been no concrete progress towards the implementation of the remaining provisions of the resolution, in particular in the context of growing political tensions in Lebanon and the escalating crisis in the Syrian Arab Republic.

11. My representatives and I have remained in regular contact with all parties in Lebanon over the reporting period, as well as with relevant regional and international leaders. I met President Michel Sleiman in New York on 22 September, and Prime Minister Najib Mikati on 27 September. On both occasions I expressed my disappointment at the lack of progress in the implementation of the resolution and renewed my call on the Lebanese leaders for the full implementation of the resolution.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

12. Resolution 1559 (2004) aims at strengthening the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, in line with the Taif Agreement of 1989, to which all the political parties in Lebanon have committed themselves. This objective has remained the highest priority of my efforts to facilitate the implementation of all resolutions pertaining to Lebanon.

13. In its resolution 1680 (2006), the Security Council strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request of the Government of Lebanon to delineate their common border. I have maintained my efforts to encourage Syria and Lebanon to achieve the full delineation of their common border. The delineation and the demarcation of Lebanon's boundaries remains an essential element to guarantee the country's sovereignty and territorial integrity. It is also an essential step to allow for proper border control. No progress was achieved during the reporting period towards the delineation and the demarcation of the border between Lebanon and Syria, despite commitments made at several summit meetings between Syria and Lebanon since August 2008. The joint Lebanese-Syrian border committee that is tasked with this matter has never convened. So far, only Lebanon has designated its participants to this committee. While acknowledging the bilateral nature of border delineation, progress on this matter remains an obligation of the two countries under resolution 1680 (2006), derived from 1559 (2004).

14. At the backdrop of the political and human rights crisis in the Syrian Arab Republic, which has resulted in the killing of at least 3,000 people since March, several thousands of Syrian nationals have crossed the border into Lebanon to seek refuge from repression. In this context, in several instances, the Syrian army opened fire across the border, carried out incursions into Lebanon and raided houses to capture fleeing nationals and army deserters. These incursions have become more frequent over the last few weeks. On 6 October, Syrian troops penetrated Lebanese territory and killed a Syrian national on Lebanese soil.

15. The continued occupation by the Israel Defense Forces of the northern part of the village of Ghajar and an adjacent area north of the Blue Line stands in violation of the sovereignty of Lebanon and resolutions 1559 (2004) and 1701 (2006). My representatives and I have continued to engage closely with both parties to facilitate the withdrawal of Israeli forces from the area, as detailed in my last report to the Security Council on the implementation of 1701 (2006) (S/2011/406).

16. Efforts in relation to the issue of the Shab'a Farms area have not recorded any progress, as I still have not received any responses from either the Syrian Arab

Republic or Israel to the provisional definition of the area contained in my report on the implementation of resolution 1701 (2006), issued on 30 October 2007 (S/2007/641).

17. During the reporting period, intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued on a regular basis, constituting violations of Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). The Government of Lebanon has repeatedly protested these violations. I have deplored these violations and demanded that they cease immediately. Israeli authorities claim in turn that these overflights are carried out for security reasons, citing alleged breaches to the arms embargo enforced pursuant to resolution 1701 (2006).

B. Extension of control of the Government of Lebanon over all Lebanese territory

18. The Government of Lebanon has reaffirmed in its ministerial declaration its intention to extend the authority of the State over all Lebanese territory, as called for by resolution 1559 (2004) and the 1989 Taif Agreement. The Lebanese Armed Forces and the Internal Security Forces play a crucial role in implementing this commitment. Over the reporting period, several incidents demonstrated the need for the Government of Lebanon to do more in order to reach this important objective.

19. As I reported (S/2011/406), on 27 May 2011, a convoy of the United Nations Interim Force in Lebanon (UNIFIL) was struck by a roadside bomb in the main north-south coastal road north of Saida, wounding six UNIFIL peacekeepers serving with the Italian contingent. The circumstances surrounding this direct terrorist attack against UNIFIL personnel are still under investigation by the Lebanese Armed Forces. On 26 July, another UNIFIL convoy was struck by a roadside bomb near a southern entrance to Saida. As a result, six UNIFIL peacekeepers serving with the French contingent were wounded and one vehicle was damaged. This was the second time in less than two months, in the same area, that the United Nations was directly targeted. I strongly condemned both attacks and urged the Government of Lebanon to take all the necessary measures to protect United Nations personnel in the country and to undertake a thorough and transparent investigation of both incidents. In this context, I welcomed the statement by the Lebanese Higher Defence Council of 12 August 2011, in which it committed to bring to justice the perpetrators of those attacks and to protect the United Nations Force.

20. Over the reporting period, on some occasions, UNIFIL was again denied its freedom of movement in its area of operations, which endangered the safety and security of the United Nations peacekeepers. The freedom of movement of UNIFIL and the security and safety of its personnel are integral to the effective execution of the mandate of the force. The primary responsibility for ensuring the freedom of movement of UNIFIL in its area of operations, and to protect its personnel, lies with the Lebanese authorities.

21. Several security incidents involving the use of weapons and explosives in populated areas continued to occur during the reporting period. In early June, two bomb hoaxes were reported, one in Beirut and the other in Zahle. Two additional explosions took place in Beirut, on 29 July and 11 August, in circumstances that remain unclear. The latter killed two people who were reportedly handling an

explosive device and injured two others. On 13 August, there was a shooting directed at the property of Member of Parliament Suleiman Franjieh. On 16 September two Internal Security Forces personnel were injured when armed men opened fire on their patrol in the western Bekaa area. On 1 October, a woman and her two daughters were injured in Tripoli as a result of the explosion of a hand grenade. These events are indicative of growing security threats in the country.

22. The reporting period was also marked by demonstrations of solidarity or protests in relation to the evolving situation in the Syrian Arab Republic. Some such gatherings involved the use of weapons as demonstrated by the clashes in Tripoli in the areas of Bab El-Tabbaneh and Jabal Mohsen on 17 June 2011. Other violent incidents took place elsewhere in the country during the reporting period.

23. All these occurrences confirm yet again the possession of lethal weapons by non-State actors. They are also a stark reminder that the Lebanese authorities must do more to impose law and order throughout the country.

24. Security sources in Lebanon have continued to report shootings and explosions in and around paramilitary infrastructures in the eastern Bekaa Valley belonging to the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifada, confirming that paramilitary training occurs in these facilities. The permanent presence of such bases along the Syrian-Lebanese border adds to the general porosity of parts of the land border and poses a challenge for the control of the border by the Lebanese security forces. It also makes the delineation of the border more difficult.

25. Given the above-mentioned concerns and continued existence and activities of militias in Lebanon, improving the management and control of Lebanon's land borders is critical to prevent the illegal flow of weapons to armed groups. A comprehensive border management strategy is needed. Government of Lebanon officials acknowledge the porous nature of the border and the possibility that arms smuggling occurs. The Government of Lebanon has so far taken limited steps to confront the issue. The effective management of the border between Lebanon and the Syrian Arab Republic also continues to be adversely affected by the absence of a delineation of the border.

26. Several Member States have continued to express deep concern over the illegal transfer of weapons across the land borders. I take these reports very seriously, but the United Nations does not have the means to verify them independently. I have raised this matter with Lebanese officials and urged them to increase efforts in a more systematic way to ensure strict control along the border. In addition, all States must take the necessary measures to prevent the transfer of arms to groups outside the control of the Government of Lebanon. This is a critical factor for stability in Lebanon and the region.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

27. In its resolution 1559 (2004), the Security Council calls for the disarming and disbanding of all Lebanese and non-Lebanese militias. This remaining key provision of the resolution is yet to be implemented. It merely reflects and reaffirms a decision that all Lebanese committed themselves to in the Taif Agreement in 1989, in the aftermath of the civil war. This agreement led at the time to Lebanese militias —

with the exception of Hizbullah — giving up their weapons. This agreement must be preserved and implemented by all in order to avoid the spectre of a renewed confrontation among the Lebanese.

28. Lebanese and non-Lebanese militias continue to operate in the country outside of the control of the Government in serious violation of resolution 1559 (2004). While several groups across the political spectrum in Lebanon possess weapons outside Government control, the armed component of Hizbullah is the most significant and most heavily armed Lebanese militia in the country, reaching almost the capacities of a regular army. The leadership of Hizbullah itself continues to acknowledge that it maintains a substantial military arsenal. In addition, there are a series of Palestinian armed groups operating in the country inside and outside the refugee camps.

29. Over the reporting period, there was yet again no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias as called for in the Taif Agreement and resolution 1559 (2004). Since the adoption of the resolution in 2004, with the exception of the National Dialogue session of 2006, which took some preliminary decisions on the matter, no concrete steps have been taken to address this crucial issue, which stands at the heart of the sovereignty and the political independence of the country. Meanwhile, since the passing of the resolution, several Lebanese groups and individuals have expressed their dismay at the presence of militias in the country. The continued existence of Lebanese and non-Lebanese militias undermines the rights of every Lebanese citizen to live without fear of physical harm and the consolidation of Lebanon as a democratic State and the stability of the country and the region.

30. The issue of Hizbullah's arms is at the forefront of the political debate in Lebanon, as manifested during the parliamentary debate around the ministerial declaration. The previous tenuous consensus on the legitimacy of the arms of Hizbullah in Lebanon has broken down. Opposition figures are singling out Hizbullah's weapons as the single most destabilizing factor in the country. On 12 July, former Prime Minister and opposition leader Saad Hariri launched an attack against Hizbullah's weapons, which he deemed Lebanon's main problem and a tool to paralyse the political life and threaten people. On International Day of Democracy on 15 September, Hariri qualified the threat of arms as "democracy's greatest enemy". Hizbullah rejected those statements and claims that its arsenal being separate from that of the Lebanese State is for defensive purposes against Israel.

31. On several occasions, I have stated my firm conviction that the disarmament of Hizbullah and other militias can best be achieved through a Lebanese-led political process that will achieve the ultimate goal of no weapons or armed forces in Lebanon other than those of the Lebanese State. For that purpose, I recall that the National Dialogue, whose main mandate is to develop a national defence strategy that will address the critical issue of weapons outside the control of the State, reconvened after the May 2008 events, but has not met since 4 November 2010.

32. Regrettably, the National Dialogue has fallen short of expectations in terms of the development of a national defence strategy. While President Sleiman has expressed on numerous occasions his intention to reconvene the National Dialogue, there is no indication at this stage that it will happen soon, given that the 14 March Alliance participants have announced that they would attend only if the forum

discusses Hizbullah's weapons as the first item on its agenda. The latter proposition was rejected by Hizbullah and its allies, which would not oppose the reconvening of the National Dialogue, provided it would stick to the generic formula of the development of a "national defence strategy".

33. With respect to the situation of Palestinians in Lebanon, I am glad to report that the leadership of the Palestine Liberation Organization (PLO) has reiterated its call upon all Palestinians in Lebanon to respect the sovereignty and political independence of Lebanon and to adhere to Lebanese law and security requirements. The President of the Palestinian Authority and Chairman of the PLO, Mahmoud Abbas, visited Lebanon from 16 to 19 August. During his visit, he stated unequivocally his position that the Palestinian refugees in Lebanon do not need arms to defend themselves because "the Lebanese State, represented in its government, army and Parliament, would protect them".

34. This declaration came in the context of heightened tension in the Ain al-Hilweh refugee camp. On 5 and 6 August heavy clashes erupted in the camp following an assassination attempt on a senior Fatah figure, Colonel Mahmoud Issa. The following day, two suspects from the Jund al-Sham militia were apprehended and handed over to the Lebanese authorities, which prompted armed clashes between the group and Fatah militia members. A ceasefire was agreed upon after hours of fighting that had left a number of people injured. Considerable material damage was also caused by the heavy fighting. One of the schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East was hit by a rocket-propelled grenade, resulting in material damage to two classrooms. Refugees voiced their anger and demanded compensations from the responsible parties for their financial loss.

35. The situation in most of the 12 Palestinian refugee camps in Lebanon has remained relatively stable, although a few shooting incidents and explosions were registered in some of the camps, in particular in Ain al-Hilweh, as mentioned above. The threat of internal violence that could potentially spill over into surrounding areas still exists in a number of camps, as some of them continue to provide safe haven for those who seek to escape the authority of the State.

36. During his visit, President Abbas also discussed the dire humanitarian conditions of Palestinian refugees in Lebanon. Prime Minister Mikati pledged that his Government would do its best to improve living conditions. In this context, the labour reforms for Palestinian refugees in Lebanon that was agreed to by the Parliament last year are yet to be properly implemented. The United Nations continues to urge the Lebanese authorities to improve the conditions in which Palestinian refugees live in Lebanon, without prejudice to the eventual resolution of the Palestinian refugee question in the context of a comprehensive peace agreement in the region, in particular given the detrimental effects of dismal living conditions on the wider security situation.

37. Lebanese authorities have acknowledged the existence of good cooperation between the Lebanese Armed Forces and Palestinian security officials in the camps. However, with the exception of the Nahr al-Bared camp, Lebanese authorities do not maintain a permanent presence inside the camps, despite the fact that the Cairo agreement of 1969, which permitted the presence of Palestinian armed forces in the refugees' camps, was annulled by the Lebanese Parliament in 1987. More will need to be done to contain tensions and potential violence in the camps.

38. The presence of Palestinian armed groups outside the camps continues to challenge the ability of Lebanon to exercise full sovereignty over its territory. I have called upon the Government of Lebanon to dismantle the Damascus-headquartered PFLP-GC and Fatah al-Intifada military bases in the country, and on the Government of the Syrian Arab Republic to cooperate with these efforts. Regrettably, there was no progress during the reporting period towards the disarming of such groups, as called for and agreed upon by Lebanese leaders at the National Dialogue session of 2006 and reaffirmed in subsequent sessions of the National Dialogue since 2008.

III. Observations

39. On the basis of what I have detailed above, I am disappointed that I cannot report on any further progress in the implementation of resolution 1559 (2004) over the last six months. The process of the implementation of the resolution has reached a status of quasi-standstill for more than two years. Much work lies ahead for Lebanon in the implementation of resolution 1559 (2004).

40. I am mindful that the remaining provisions of the resolution to be implemented are indeed the thorniest and that Lebanon has been affected by recent events in the region, particularly the violent repression of popular protests against the regime and the profound political crisis in the Syrian Arab Republic. However, I am firmly convinced that it is in the interest of Lebanon and the Lebanese to make progress towards the full implementation of the resolution for the long-term stability of the country and the region.

41. I have repeatedly cautioned that the widespread proliferation of weapons outside of the control of the State, combined with the continued existence of heavily armed militias are altogether ominous for domestic peace and the prosperity of Lebanon. Armed groups defying the control of the State are incompatible with the objective of strengthening the sovereignty and political independence of Lebanon and with the protection of Lebanon's unique pluralistic system and the rights of Lebanese citizens. I condemn the possession and the use of illegal weapons wherever they occur in Lebanon, in particular in populated areas. For this reason, I appeal to all parties and States to immediately halt all efforts to transfer and acquire weapons, and build paramilitary capacities outside the authority of the State. All foreign financial and material support for Lebanon must be channelled transparently through the Government of Lebanon only.

42. The issue of Hizbullah's weapons has become a central bone of contention in the political debate in Lebanon with confessional overtones, but with implications for all Lebanese. Hizbullah's arsenal creates an atmosphere of intimidation and poses a key challenge to the safety of Lebanese civilians and to the Government monopoly on the legitimate use of force. I call yet again upon the leaders of Hizbullah to immediately disarm and transform the group into a Lebanese political party, consistent with the requirements of the Taif Agreement and resolution 1559 (2004). In a democratic State, a political party cannot maintain its own militia. This is a fundamental anomaly that is incompatible with Lebanon's high ideals of the protection of human rights and democracy.

43. As Hizbullah maintains close ties with regional States, I call upon these States to support and assist in the transformation of the armed group into a solely political

party and its disarmament, consistent with the requirements of the Taif Agreement and resolution 1559 (2004), in the best interests of regional peace and stability. This requirement has become even more urgent against the backdrop of the ongoing political upheavals across the region.

44. I remain convinced that the disarmament of armed groups in Lebanon, particularly Hizbullah, can best be achieved through a Lebanese-led political process, though this process cannot make headway until external actors cease their military support to Hizbullah and the group itself accepts to discuss its arsenal in good faith. I regret that the National Dialogue has not reconvened in almost a year. The end result of such a process should be no weapons or authority in Lebanon other than those of the Lebanese State. To this end, I note the ongoing progress made by the Lebanese Armed Forces in developing their operational capabilities.

45. The absence of progress on the disarming and disbanding of Lebanese and non-Lebanese militias puts Lebanon in violation of its international obligations. Lebanon can and must revitalize the efforts to address the challenge posed by the continued presence of arms outside the authority of the Lebanese State. Such arms inherently jeopardize and undermine the ability of the State to exercise full sovereignty and control over its territory, as called for by the Taif Agreement and resolution 1559 (2004). This applies in particular to the considerable military capabilities that Hizbullah continues to maintain. Irrespective of the particular composition of the Government, the authority of the Lebanese State can only be consolidated through progress on the issue of arms beyond its control. I therefore call upon President Sleiman and Prime Minister Mikati to take tangible measures in this regard without delay.

46. I also encourage President Sleiman and the Government of Prime Minister Mikati to implement decisions taken in the past by the National Dialogue, such as the dismantling of Palestinian military bases maintained by the Damascus-headquartered PFLP-GC and Fatah al-Intifada outside the refugee camps. Under three Prime Ministers and two Presidents, there has regrettably been no progress on this issue. The commitment of the new Government policy platform to the implementation of previous National Dialogue decisions must be materialized. These bases, most of which straddle the border between Lebanon and the Syrian Arab Republic, undermine Lebanese sovereignty and challenge the country's ability to manage its land borders. Mindful that these two militias maintain close regional ties, I renew my call upon the Government of the Syrian Arab Republic to assist in this process.

47. I also urge donors to continue their support for UNRWA, which faces funding shortfalls in its regular programmes and for the reconstruction of the Nahr al-Bared camp. I recall that two thirds of Palestinian refugees in Lebanon live in dire poverty. I therefore call upon the Government of Prime Minister Mikati to implement amendments to the Lebanese Labour Code and Social Security Law adopted in August 2010, so as to improve the employment prospects of Palestinian refugees. I am convinced that addressing the difficult conditions of Palestinian refugees will have a positive impact on the coexistence of Lebanese and Palestinians and hence, on national security and stability. Improving the living conditions and human rights of Palestinian refugees in Lebanon does not prejudice the resolution of the Palestinian refugee question in the context of a comprehensive Arab-Israeli peace.

48. The profound political crisis in the Syrian Arab Republic has further hindered progress towards the delineation and the demarcation of the border between Lebanon and Syria. I regret the absence of progress and urge the two countries to move forward on this issue without further delay, which has a critical impact on enhancing border control.

49. I urge the Government of Lebanon to move forward and adopt and implement a comprehensive border management strategy in the coming period. Doing so would enable better control of Lebanon's international borders and prevent the illegal transfers of arms.

50. I am deeply concerned at the impact of developments in the Syrian Arab Republic on the political and security situation in Lebanon. I strongly deplore the violent incursions and raids into Lebanese towns and villages by Syrian security forces that resulted in death and injury. I call upon the Government of the Syrian Arab Republic to immediately cease all such incursions, and to respect the sovereignty and territorial integrity of Lebanon, in accordance with Security Council resolution 1559 (2004). These incursions and the ongoing crisis in Syria carry the potential of igniting further tensions inside Lebanon and beyond.

51. Security incidents during the reporting period highlighted the need for Lebanese security forces to do more to prevent and respond to acts of violence. In this context, increased support for the Lebanese Armed Forces and the Internal Security Forces remains critical. They have continued to act with resolve, and their capacity has been gradually strengthened with the assistance of international donors. I am grateful to those countries that are helping to equip and to train the Lebanese Armed Forces and the Internal Security Forces, and I urge the international community to continue this critically required support. This is essential to enable the Lebanese Armed Forces and the Internal Security Forces to assume effectively their responsibility under relevant Security Council resolutions.

52. I deplore the continued Israeli violations of the sovereignty and territorial integrity of Lebanon. I call upon Israel to adhere to its obligations under relevant Security Council resolutions and withdraw its forces from the northern part of the village of Ghajar and an adjacent area north of the Blue Line, and to cease its overflights of Lebanese airspace, which raise tension, undermine the credibility of Lebanese security services, increase the risk of unintended conflict and generate anxiety among the civilian population.

53. Momentous events under way across the Middle East bear tremendous opportunities for change but also pose challenges of prolonged uncertainty and potential instability. Developments in the Syrian Arab Republic inevitably impact Lebanon. At the same time, this should not detract from the full implementation of this and all other Security Council resolutions pertaining to Lebanon, which remain the best way to ensure the long-term prosperity and stability of Lebanon as a democratic State.

54. It is imperative that the spirit of cooperation and respect for the principles of coexistence and security in Lebanon prevail, as must domestic peace without intimidation by armed groups. I remain concerned that the combination of mistrust among the parties and the continued presence of militias could lead to tensions and possible insecurity and instability in Lebanon and beyond. I urge all political leaders to transcend sectarian and individual interests and genuinely promote the future and

the interests of the State. They must preserve the comprehensive political framework of coexistence in mutual respect, as set out in the Taif Agreement.

55. More than three months after he assumed office, Prime Minister Mikati has managed to contain growing tensions in the country and, to some extent, has revitalized national governance and legislative processes that were paralysed in the absence of a functioning Government during the first half of 2011. I was heartened when he visited the Lebanese Armed Forces and UNIFIL in southern Lebanon just a few days after his Government was sworn in. That was a tangible sign of support for the work of the United Nations in Lebanon. I also welcome Prime Minister Mikati's pledge to provide humanitarian assistance to Syrian refugees in Lebanon. I remain, however, keenly aware of the challenges ahead and the political polarization revolving around the Special Tribunal for Lebanon, the weapons of Hizbullah and the unrest in neighbouring Syrian Arab Republic. While I commend the Prime Minister for his repeated public pronouncement calling for Lebanon's full adherence to its international obligations without selectivity, I look forward to the Government of Lebanon translating that commitment into tangible action, and I stand ready to assist it to reach this crucial objective.

56. In conclusion, I share the opinion of President Sleiman as outlined in his address to the Security Council on 27 September, in which he stated that the implementation of Security Council resolutions is the best guarantee to ensure peace and security and prevent conflicts. I remain firmly committed to the implementation of resolution 1559 (2004) for the sake of regional peace and stability, in a particularly difficult and challenging time. I therefore call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of these and all other Security Council resolutions pertaining to Lebanon.

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Measures to eliminate international terrorism

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Sixty-sixth year

Identical letters dated 12 October 2011 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit the attached letter, dated 12 October 2011, from the Permanent Representative of the United States of America to the United Nations (see annex).

I should be grateful if you would bring the present letter and its attachments* to the attention of the members of the General Assembly and the Security Council.

(*Signed*) **BAN** Ki-moon

* The attached charging document is circulated in the language of submission only.

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Annex

Enclosed please find the letter that I wrote to you yesterday regarding the recently disrupted conspiracy to assassinate in Washington, D.C., the Ambassador of the Kingdom of Saudi Arabia to the United States and to carry out additional follow-on attacks inside the United States and against other countries. As noted in the letter, we have confirmed information that this conspiracy was conceived, sponsored and directed by elements of the Government of Iran. Had this terrorist plot not been disrupted, it would likely have resulted in the injury or death of the Saudi Ambassador and others.

We request that you transmit the present letter, yesterday's enclosed letter, and the enclosed charging document to the General Assembly.

(*Signed*) Susan E. **Rice**

Enclosure

11 October 2011

I would like to bring to your attention an attempted plot that constitutes a serious threat to international peace and security. The United States has recently disrupted a conspiracy to assassinate in Washington, D.C., the Ambassador of the Kingdom of Saudi Arabia to the United States and to carry out additional follow-on attacks inside the United States and against other countries. We have confirmed information that this conspiracy was conceived, sponsored and directed by elements of the Government of Iran. Had this terrorist plot not been disrupted, it would likely have resulted in the injury or death of the Saudi Ambassador and others.

According to our information, the Islamic Revolutionary Guard Corps-Qods Force and several of its high-ranking officers, including Hamed Abdollahi, Abdul Reza Shahlai and Ali Gholam Shakuri, directed and funded the conspiracy.

This plot constitutes a violation of Iran's commitments under the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973). Consistent with this Convention and pursuant to United States law, on 11 October 2011, the United States brought charges in the United States Federal Court of the Southern District of New York against Manssor Arbabsiar, who is a citizen of Iran and a naturalized United States citizen, and Ali Gholam Shakuri, who is a national of Iran. Enclosed is the charging document containing the details of the conspiracy. The United States arrested Arbabsiar on 29 September 2011. He is currently in United States custody in New York City, and the United States plans to prosecute him to the full extent of United States law. Ali Gholam Shakuri remains at large.

In accordance with article 6 of the Convention, the United States requests that you notify Iran of the above measures. The United States expects Iran, in line with its obligations under this Convention, to undertake immediate, credible and verifiable action to hold accountable any other persons responsible for this conspiracy, including but not limited to Ali Gholam Shakuri. The United States has directly notified the Kingdom of Saudi Arabia, as the State of which the internationally protected person concerned is a national, of the above measures.

The United States notes that this incident also constitutes a violation of other international legal obligations, including the requirement contained in Security Council resolution 1373 (2001) that States "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists". We intend to discuss this matter with other members of the Security Council.

We request that you transmit the present letter and the enclosed charging document to the Security Council.

(*Signed*) Susan E. **Rice**

Attachment

Approved: /s/ /s/
GLEN A. KOPP/EDWARD Y. KIM
Assistant United States Attorneys

Before: HONORABLE MICHAEL H. DOLINGER
United States Magistrate Judge
Southern District of New York

UNITED STATES OF AMERICA	:	SEALED AMENDED COMPLAINT
	:	Violations of
- v. -	:	18 U.S.C. §§ 1117, 1958, 2, 2332a, 2332b
MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri,"	:	COUNTY OF OFFENSE: NEW YORK
Defendants.	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

O. Robert Woloszyn, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
Conspiracy to Murder A Foreign Official

1. From at least in or about the spring of 2011, up to and including in or about October 2011, in the Southern District of New York and elsewhere, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, knowingly and intentionally combined, conspired, confederated and agreed together and with each other to violate Section 1116 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, would and did agree to kill a foreign official, to wit, ARBABSIAR and SHAKURI agreed with each other and with others to kill the Ambassador to the United States of Saudi Arabia, while the Ambassador was in the United States.

Overt Acts

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts were committed, in the Southern District of New York and elsewhere:

a. On or about August 1, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, caused an overseas wire transfer of approximately $49,960 to be sent by a foreign entity from a bank located in a foreign country to an FBI undercover bank account (the "UC Bank Account"). Before reaching the UC Bank Account, the funds were transferred through a bank in Manhattan, New York.

b. On or about August 9, 2011, ARBABSIAR caused an overseas wire transfer of approximately $49,960 to be sent by a foreign entity from a bank located in a foreign country to the UC Bank Account. Before reaching the UC Bank Account, the funds were transferred through a bank in Manhattan, New York.

c. In or about the spring of 2011, GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, provided thousands of dollars to ARBABSIAR in Iran to pay for expenses related to furthering the plot to kill the Ambassador to the United States of Saudi Arabia.

(Title 18, United States Code, Section 1117.)

COUNT TWO
Foreign Travel and Use of Interstate and Foreign Commerce Facilities in the Commission of Murder-For-Hire

4. From at least in or about the spring of 2011, up to and including September 29, 2011, in the Southern District of New York and elsewhere, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, willfully and knowingly traveled in foreign commerce and used, and caused another to use, a facility of interstate and foreign commerce, to wit, bank wire transfers to an account in the United States from foreign entities, with the intent that a murder be committed in violation of the laws of the United States, to wit, Title 18, United States Code, Sections 1116 and 1117, as consideration for the receipt of, and as consideration for a promise and agreement to pay anything of pecuniary value, as those terms are defined in Title 18, United States Code, Section 1958(b), to wit, ARBABSIAR caused to be wired approximately $100,000 into the United States, as partial consideration for the murder of the Ambassador to the United States of Saudi Arabia.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT THREE

Conspiracy to Engage in Foreign Travel and Use Interstate and Foreign Commerce Facilities In the Commission of Murder-For-Hire

5. From at least in or about the spring of 2011, up to and including in or about October 2011, in the Southern District of New York and elsewhere, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1958.

6. It was a part and an object of the conspiracy that MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, would and did agree together and with each other to use travel in foreign commerce and the facilities of interstate and foreign commerce, to wit, bank wire transfers to an account in the United States from foreign entities, with the intent that a murder be committed in violation of the laws of the United States, to wit, Title 18, United States Code, Sections 1116 and 1117, as consideration for the receipt of, and as consideration for a promise and agreement to pay anything of pecuniary value, to wit, ARBABSIAR, SHAKURI, and others known and unknown, caused to be wired approximately $100,000 into the United States as partial consideration for the murder of the Ambassador to the United States of Saudi Arabia.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal objects thereof, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, committed in the Southern District of New York and elsewhere, the acts set forth in Paragraph 3 above.

(Title 18, United States Code, Section 1958.)

COUNT FOUR

Conspiracy To Use A Weapon of Mass Destruction

8. From at least in or about the spring of 2011, up to and including in or about October 2011, in the Southern District of New York and elsewhere, MANSSOR ARBABSIAR, a/k/a

"Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 2332a(a)(2)(A) and (C).

9. It was a part and an object of the conspiracy that MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, would use a weapon of mass destruction, namely, a destructive device as that term is defined in Title 18, United States Code, Section 921, against a person within the United States, where a facility of interstate and foreign commerce was used in furtherance of the offense, to wit, bank wire transfers to an account in the United States from foreign entities, and where a perpetrator of the offense traveled in foreign commerce in furtherance of the offense, to wit, ARBABSIAR and SHAKURI agreed with each other and with others to use an explosive device against the Ambassador to the United States of Saudi Arabia.

Overt Acts

10. In furtherance of the conspiracy and to effect the illegal objects thereof, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, committed in the Southern District of New York and elsewhere, the acts set forth in Paragraph 3 above.

(Title 18, United States Code, Section 2332a(a)(2)(A) and (C).)

COUNT FIVE
Conspiracy to Commit An Act of Terrorism
Transcending National Boundaries

11. From at least in or about the spring of 2011, up to and including in or about October 2011, in the Southern District of New York and elsewhere, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Sections 2332b(a)(1)(A), (a)(1)(B), (b)(1)(A) and (b)(1)(B).

12. It was a part and an object of the conspiracy that MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and

unknown, would kill and maim persons within the United States and would create a substantial risk of serious bodily injury to others by destroying and damaging structures, conveyances and other real and personal property within the United States, in violation of the laws of the United States, including Title 18, United States Code, Sections 1116 and 1117, where interstate and foreign commerce is used in furtherance of the offense, to wit, bank wire transfers to an account in the United States from foreign entities, and where the offense would have obstructed, delayed and affected interstate commerce had it been consummated, to wit, ARBABSIAR and SHAKURI, during meetings outside the United States, agreed with each other and with others to kill the Ambassador to the United States of Saudi Arabia, while the Ambassador was in the United States.

Overt Acts

13. In furtherance of the conspiracy and to effect the illegal objects thereof, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," and GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendants, and others known and unknown, committed in the Southern District of New York and elsewhere, the acts set forth in Paragraph 3 above.

(Title 18, United States Code, Section 2332b(a)(1)(A), (a)(1)(B), (a)(2), (b)(1)(A), (b)(1)(B).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

14. I have been a Special Agent with the FBI since March of 1999. I have participated in the investigation of this matter, and have spoken with other individuals, including other law-enforcement officials, about this investigation. The facts and circumstances of this investigation have been summarized for the specific purposes of the instant affidavit. No attempt has been made to set forth the complete factual history of this investigation or all of its details.

15. I make this affidavit based on, among other things, my personal review of evidence obtained in the course of the investigation, as well as information and belief. The sources of my information and belief include, but are not limited to, conversations with other law-enforcement officers; reviews of reports and other documents prepared by law-enforcement personnel; reviews of business records; draft transcripts and translations of recordings, as well as the underlying recordings themselves; and the defendant's post-arrest statements. Where the actions, statements and conversations of others, or the

contents of documents, are recounted or described herein, they are related in substance and in part, unless otherwise indicated.

I. OVERVIEW

16. As set forth more fully below, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, is a naturalized citizen of the United States who holds both a United States and an Iranian passport. ARBABSIAR and his Iran-based co-conspirators, including GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, a member of the Qods Force, see infra ¶ 17, have been plotting the murder of the Ambassador to the United States of Saudi Arabia ("Ambassador"). In furtherance of this conspiracy, ARBABSIAR has met on a number of occasions in Mexico with a Drug Enforcement Administration confidential source ("CS-1"). In the course of these meetings, CS-1 has posed as an associate of a sophisticated and violent international drug-trafficking cartel. See infra n.2. ARBABSIAR arranged to hire CS-1 and his purported criminal associates to murder the Ambassador, and SHAKURI and other Iran-based co-conspirators were aware of and approved the plan. With SHAKURI's approval, ARBABSIAR caused approximately $100,000 to be wired into a bank account in the United States for CS-1 – as a down-payment to CS-1 for his anticipated killing of the Ambassador.

II. BACKGROUND: THE IRANIAN ISLAMIC REVOLUTIONARY GUARD CORPS AND THE QODS FORCE

17. During the course of my investigation, I have become familiar with the Iranian Islamic Revolutionary Guard Corps (the "IRGC") and the Qods Force. Based in part on my review of publicly-available information, including findings and statements by the United States Department of State, the United States Department of Treasury, and other "open source" information, I have learned the following: the IRGC is an arm of the Iranian military; the IRGC is suspected of having been involved in a number of foreign operations; the IRGC is composed of a number of branches, one of which is the Qods Force. The Qods Force conducts sensitive covert operations abroad, including terrorist attacks, assassinations, and kidnappings, and provides weapons and training to Iran's terrorist and militant allies. Among many other things, the Qods Force is believed to sponsor attacks against Coalition Forces in Iraq, and in October 2007, the United States Treasury Department designated the Qods Force, pursuant to Executive Order 13224, for providing material support to the Taliban and other terrorist organizations.

III. THE INVESTIGATION

A. MAY 2011: ARBABSIAR MEETS CS-1 AND DISCUSSES WITH HIM THE POSSIBILITY OF AN ATTACK

18. On or about May 24, 2011, according to travel records, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, traveled back and forth from Texas to Mexico. In Mexico, ARBABSIAR met with CS-1.[1] During this May 24 meeting, and all others with ARBABSIAR, CS-1 posed as an associate of a drug-trafficking cartel ("Drug Cartel #1").[2] After the May 24 meeting with ARBABSIAR, CS-1 described to law-enforcement agents what had transpired. CS-1 explained that, at the meeting, ARBABSIAR inquired as to CS-1's knowledge, if any, with respect to explosives. According to CS-1, ARBABSIAR explained to CS-1 that he was interested in, among other things, attacking an embassy of Saudi Arabia. In response, and to further the discussion, CS-1 told ARBABSIAR that he was knowledgeable with respect to C-4 explosives.[3]

19. On or about May 30, 2011, according to travel records, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, traveled internationally, by plane from Houston, Texas.

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[1] CS-1 is a paid confidential source. Previously, CS-1 was charged in connection with a narcotics offense by authorities of a certain U.S. state ("State"). In exchange for CS-1's cooperation in various narcotics investigations, the State charges were dismissed. CS-1 has previously provided reliable and independently corroborated information to federal law-enforcement agents; this information has led to numerous seizures of narcotics. In addition, CS-1 has been paid by federal law-enforcement officials in connection with the work he has done.

[2] Drug Cartel #1 is a large, sophisticated, and violent drug-trafficking cartel. It is well-known throughout North America, and its principal places of operation are Mexico and the United States. According to published reports, Drug Cartel #1 has access to military-grade weaponry and explosives, and has engaged in numerous acts of violence, including assassinations and murders.

[3] "C-4" is a type of plastic explosive. Like other plastic explosives, C-4 can generally be molded, so that it can be shaped and formed with a certain degree of precision.

B. JUNE AND JULY 2011: ARBABSIAR RETURNS TO MEXICO AND HIRES CS-1 TO KILL THE UNITED STATES-BASED AMBASSADOR OF SAUDI ARABIA

20. On or about June 23, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, who had traveled internationally, see supra ¶ 19, returned by plane to Mexico.

21. According to CS-1, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, again met with CS-1 in Mexico in late June and July. Over the course of a series of meetings, ARBABSIAR explained to CS-1 that his associates in Iran had discussed a number of violent missions for CS-1 and CS-1's purported criminal associates to perform. These included, among others, the murder of the Ambassador.

22. On or about July 14, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, met with CS-1 in Mexico. At the direction of law-enforcement agents, CS-1 made an audio recording of the meeting. CS-1 and ARBABSIAR spoke English during the meeting. Based on my review of draft transcripts of the July 14 recorded meeting, I learned that at this meeting the following occurred, among other things:[4]

a. CS-1 told ARBABSIAR that CS-1 would need to use "[a]t least four guys" and that CS-1 was "talking to one of the guys" and would "take the one point five for the Saudi Arabia." I understand this to mean that CS-1 would need to use four men to assassinate the Ambassador and that the cost to ARBABSIAR of conducting the assassination would be $1.5 million.[5] CS-1 told ARBABSIAR that he would "go ahead and work on Saudi Arabia, get all the information that we can"; ARBABSIAR agreed that the assassination of the Ambassador should be handled first.[6] After CS-1 stated, "you just want the, the main guy,"

[4] In his post-arrest statement, see infra Part IV, ARBABSIAR has admitted that he participated in each of the recorded meetings described in this Complaint, and he has confirmed that he agreed to pay CS-1 to kill the Ambassador.

[5] Both above, and throughout, the quoted language is taken from the draft transcripts. My understanding of the meaning of those quoted terms, where supplied, is based on my training, experience and participation in this investigation.

[6] Prior to the July 14, 2011 meeting, CS-1 had reported that he and ARBABSIAR had discussed the possibility of attacks on

ARBABSIAR confirmed that he just wanted the "[A]mbassador" -- which I understand to mean that ARBABSIAR wanted CS-1 to arrange for the assassination of the Ambassador before executing the other attacks they had discussed.

b. CS-1 and ARBABSIAR then discussed how ARBABSIAR would pay CS-1. ARBABSIAR asked CS-1 what bank he planned to use, and CS-1 stated that he would give ARBABSIAR "an account number." At a later time during the same conversation, ARBABSIAR stated that the "money is [i] Iran," and that he (ARBABSIAR) had received a call indicating that the money would be at the house of a certain individual ("Individual #1"). When ARBABSIAR called Individual #1, "he [Individual #1] said he had it there" and that he (Individual #1) had received "the money at nine in the morning." ARBABSIAR said the "money's a hundred thousand" but that he (ARBABSIAR) would have to "send a hundred . . . ten thousand, ten thousand, ten thousand. I don't wanna send it to one guy, one shot." I understand ARBABSIAR to mean that he had $100,000 in Iran to pay CS-1 as a first payment toward the assassination of the Ambassador, but that ARBABSIAR wanted to send the money to CS-1 in installments and not in a single transfer.

c. During their July 14 meeting, CS-1 asked ARBABSIAR about ARBABSIAR's cousin, who, according to ARBABSIAR, was located in Iran and had requested that ARBABSIAR find someone (ultimately, CS-1) who could carry out the attack on the Ambassador described above. ARBABSIAR explained that his cousin was "wanted in America," had been "on the CNN," and was a "big general in [the] army." ARBABSIAR further explained that there were a number of parts to the army of Iran and that his cousin "work[s] in outside, in other countries for the Iranian government[.]" ARBABSIAR further explained that his cousin did not wear a uniform or carry a gun, and had taken certain unspecified actions related to a bombing in Iraq. Compare supra ¶ 17. In the portions of the July 14 meeting referenced in this sub-paragraph, I understand ARBABSIAR to be saying that his cousin works for the military of Iran, in particular, for the Qods Force, and that his cousin focuses on matters outside of Iran.

d. At the end of the July 14 meeting, CS-1 told ARBABSIAR, "[w]e're gonna start doing the guy," which I

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a number of other targets. These targets included foreign government facilities associated with Saudi Arabia and with another country, and these targets were located within and outside of the United States.

understand to mean that CS-1 and ARBABSIAR confirmed that CS-1 would proceed to plan the assassination of the Ambassador.

23. On or about July 17, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, met with CS-1 – again, see supra ¶ 22, in Mexico. At the direction of law-enforcement agents, CS-1 recorded the meeting. CS-1 and ARBABSIAR spoke English during the meeting. Based on my review of draft transcripts of the July 17 meeting, I learned that at this meeting the following occurred, among other things:

a. CS-1 made reference to "my guy over there . . . he's already in Washington," which I understand to be a reference to the fact that one of CS-1's workers had purportedly already traveled to Washington, D.C. to surveil the Ambassador. CS-1 then asked, "I got this on the computer . . . is this the guy right here?" – to which ARBABSIAR replied, "Yeah, that's him." Based, among other things, on my discussions with other agents, I understand that during this portion of the conversation, CS-1 showed ARBABSIAR a photograph of the Ambassador.

b. CS-1 described what he had purportedly begun to learn about the Ambassador, stating that the Ambassador has "eight to seven security people around him . . . [h]e goes out and eat like two times a week in a restaurant . . . [m]y guy is already over there . . . doing surveillance." CS-1 then reflected, "I don't know what exactly your cousin [see supra ¶ 22(c)[7]] wants me to do. . . ." After some further conversation, ARBABSIAR replied: "[h]e wants you to kill this guy." CS-1 then explained, "there's gonna be like American people there . . . in the restaurant. You want me to do it outside or in the restaurant?" ARBABSIAR answered: "[d]oesn't matter how you do it. I mean, if you do it by himself, kill is better, but . . . sometime, you know, you have no choice, is that right?" I understand ARBABSIAR and CS-1 to have been discussing how the Ambassador should be killed, and ARBABSIAR to be saying that his cousin wanted the Ambassador killed; without bystander casualties if possible ("by himself, kill is better") but not if operational necessities dictated otherwise ("sometime, you know, you have no

[7] During the course of the July 17 conversation, ARBABSIAR further described his cousin. ARBABSIAR said that his cousin was "working for [the] government [of Iran] but he's working outside. . . . He's working like . . .[l]ike [a named, non-Iranian intelligence agency]."

choice").[8]

c. On a number of occasions, ARBABSIAR reassured CS-1 that CS-1 and his (CS-1's) men would indeed be paid for killing the Ambassador. ARBABSIAR told CS-1 to tell the people working for him (CS-1) that he (ARBABSIAR) could "guarantee the money. . . I [ARBABSIAR] got the money coming." ARBABSIAR emphasized that "this is politics, ok . . . it's not like, eh, personal . . . This is politics, so these people [ARBABSIAR's co-conspirators in Iran] they pay this government . . . he's got [ARBABSIAR's cousin has got] the, got the government behind him . . . . . he's not paying from his pocket." To facilitate payment, at one point during the July 17 meeting, CS-1 gave ARBABSIAR "the account number . . . in [a U.S. bank] . . . and the U.S. routing number" – the unique number associated with the United States bank account into which ARBABSIAR could arrange for payment to be made to CS-1 for the assassination of the Ambassador.

d. ARBABSIAR explained that his cousin and an individual who worked for his cousin had paid his (ARBABSIAR's) expenses related to the assassination plot. ARBABSIAR stated, "I tell him [ARBABSIAR's cousin], give me just another fifteen. Just . . . next morning they send one guy, you know, that work for him [ARBABSIAR's cousin]. He's like a colonel, the guy." CS-1 asked, "Did the colonel take the money, the money to you?" ARBABSIAR responded, "Yes, man. He opened the door for me, the colonel, he bring the envelope. He put the envelope there for me." Based on my training, experience and participation in this investigation, including my participation in the post-arrest interview of ARBABSIAR, I understand that the "colonel" that ARBABSIAR referred to is GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, and that ARBABSIAR was stating that after he received expense money from his cousin, he received an additional expense payment from SHAKURI, see infra n.13.

e. At the end of the July 17 meeting, ARBABSIAR

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[8] On numerous occasions during the July 17 meeting, ARBABSIAR made it clear that the assassination needed to go forward, even if doing so would cause mass casualties. For example, ARBABSIAR said: "They want that guy [the Ambassador] done [killed], if the hundred go with him, fuck 'em." In a similar vein, ARBABSIAR and CS-1 also discussed the means by which the Ambassador would be killed. CS-1 said: "I'm gonna blow him [the Ambassador] up or shoot him, whatever you want." ARBABSIAR responded: "Yeah, it doesn't matter . . . [w]hatever is easy for . . . how is possible for you."

declared "[l]et it hit the restaurant. If, if you can do it outside, do it. If not, restaurant, hit it, it's ok," by which I understand ARBABSIAR to mean that if CS-1 could not assassinate the Ambassador outside the restaurant, he should "hit" or bomb the restaurant. In response, CS-1 then noted that there were "from a hundred, a hundred and fifty [people in the restaurant]" and "buildings on the sides," and "senators [U.S. Senators who dine there]," all of which ARBABSIAR dismissed as "no problem" or "no big deal," meaning that the potential for such casualties should not dissuade CS-1 from killing the Ambassador.

C. **JULY AND AUGUST 2011: PAYMENTS ARE MADE TO CS-1**

24. According to travel records, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, traveled from Mexico, departing for a foreign country, on or about July 20, 2011.[9]

25. As noted above, see supra ¶ 23, at the July 17 meeting, CS-1 provided MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, with a bank account and routing number, so that payment could be made for the assassination of the Ambassador. The account information CS-1 provided was in fact associated with the UC Bank Account.

26. On or about August 1, 2011, an overseas wire transfer of approximately $49,960 was sent by a foreign entity ("Foreign Entity-1") from a bank located in a foreign country (the "Foreign Bank") through a bank in Manhattan to the UC Bank Account.

27. On or about August 6, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, spoke with CS-1 on the telephone. CS-1 recorded the conversation. Based on my review of draft transcripts of the recorded conversation, I know that during the call, CS-1 asked ARBABSIAR whether he (ARBABSIAR) had "already finished the other half of . . . the money." ARBABSIAR replied, "I sent it yesterday." I understand that ARBABSIAR was acknowledging that the previous day he sent to CS-1 the second half of the approximately $100,000 down-payment, see supra ¶ 22(b), for the murder of the Ambassador. I understand that "the other half" of the $100,000 was received on or about August 9,

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[9] Three days prior to ARBABSIAR's July 20 flight, during the July 17 meeting with CS-1, see supra, ARBABSIAR indicated to CS-1 that ARBABSIAR would be traveling to Iran on July 20 to see his cousin.

2011, see infra ¶ 28, and that the first "half" was received on or about August 1, 2011, see supra ¶ 26.

28. On or about August 9, 2011, an overseas wire transfer of approximately $49,960 was sent by another foreign entity ("Foreign Entity-2") from the Foreign Bank through a bank in Manhattan to the UC Bank Account.

29. On or about August 11, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, spoke with CS-1 on the telephone. CS-1 recorded the conversation. Based on my review of draft transcripts of the recorded conversation, I know that during the call, ARBABSIAR asked CS-1, "Did you check the bank?" CS-1 responded in the affirmative, "I check in the bank, everything is there." I understand that ARBABSIAR was confirming that CS-1 received the $49,960 that arrived in the UC Bank Account on or about August 9, 2011, see supra ¶ 28.

D. SEPTEMBER 2011: ARBABSIAR RETURNS TO MEXICO

30. On or about September 2, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, spoke with CS-1 on the telephone. CS-1 recorded the conversation. Based on my review of draft transcripts of the recorded conversation, I know that during the call, ARBABSIAR asked CS-1 if the "building is getting painted" and CS-1 responded "we're still doing that." I understand that by asking that question, ARBABSIAR was asking CS-1 whether the arrangements to kill the Ambassador were still underway.[10] ARBABSIAR then stated, "once we do this one, you gonna open a [U/I] like, uh . . . you got the number for the safe" and "[o]nce you open the door, that's it. You know what I mean? . . . [y]ou don't have to worry about anything." I understand that ARBABSIAR was explaining to CS-1 that after CS-1 and his team assassinated the Ambassador, CS-1 would make money from that and other projects with ARBABSIAR and his associates, see supra n.6.

31. On or about September 12, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, spoke with CS-1 on the

[10] Based on my training and in my experience, individuals who speak explicitly about criminal activity during in-person meetings, see, e.g., supra ¶¶ 22, 23, often speak in coded language during telephone conversations, in an effort to conceal the subject matter of their discussions in the event that they are overheard or intercepted.

telephone. CS-1 recorded the telephone conversation. Based on my review of a draft transcript of the recording, I learned that ARBABSIAR told CS-1 that "the number is gonna stay the same thing . . . [o]ne and a half . . ." I understand ARBABSIAR was stating that CS-1 would receive the same amount of money ("[o]ne and a half": $1.5 million) for the assassination that ARBABSIAR and CS-1 had previously discussed. See supra ¶ 22(a). ARBABSIAR also referred to "the number we did" and told CS-1 that he could "prepare for those too . . . but we need to at least one of them." I understand ARBABSIAR to have been informing CS-1 that in the future CS-1 could prepare for the additional attacks previously mentioned, see supra n.6, but that CS-1 first needed to assassinate the Ambassador. ARBABSIAR promised CS-1 that if he does "at least one . . . I'll send the balance for you," which I understand to mean that CS-1 would receive the remainder of his $1.5 million payment after the Ambassador has been assassinated. ARBABSIAR also stated, "[t]he first one they just want it . . . for test," which I understand to mean that CS-1's first task was designed as a test run, with future assignments to follow if the assassination was successful.

32. On or about September 20, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, spoke with CS-1 on the telephone. CS-1 recorded the telephone conversation. Based on my review of a draft transcript of the recording, I learned that CS-1 told ARBABSIAR, "I'm ready for the . . . for the thing, for the house, man, to be painted but . . . I need to, I need, either I need you or I need half of the . . . of the check that we're gonna receive to . . . so I can go ahead and . . . be finished with the job." I understand CS-1 to have been requesting that ARBABSIAR either pay one-half of the agreed upon price ($1.5 million, see supra ¶ 22(a)) for the murder of the Ambassador or go personally to Mexico to serve himself as collateral for the final payment of the fee for the assassination.[11] Based on my training and experience, I know that this form of personal guarantee is common for large scale illicit transactions. Ultimately, based on my review of the transcript of the September 20, 2011 call, I believe that ARBABSIAR agreed to travel to Mexico per CS-1's request to guarantee payment for the murder of the Ambassador ("I'm gonna go over there [in] two [or] three days, I'll go over there. . . . Don't wait for me. Get ready, but I'll be over there."). Later during the night of September 20, CS-1 returned a call from ARBABSIAR. At the direction of law-enforcement agents, CS-1 recorded the telephone conversation.

[11] CS-1 initially requested that ARBABSIAR send someone to Mexico as collateral in a recorded call between CS-1 and ARBABSIAR on or about August 28, 2011.

During the call, ARBABSIAR inquired as to "how long [he] need[s] to stay in Mexico." I understand ARBABSIAR to have been asking how long he would have to stay in Mexico to supply a sufficient guarantee for payment to CS-1 and CS-1's associates following completion of the plot to murder the Ambassador.

E. THE ARREST AND SEARCH

33. On or about September 28, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, flew to Mexico. ARBABSIAR was denied entry into Mexico, and then flew on to John F. Kennedy International Airport ("JFK"), in New York City. During the flight, law-enforcement officials aboard conducted surveillance of the defendant without alerting him to their presence. After ARBABSIAR exited the plane at JFK, law-enforcement agents arrested ARBABSIAR.

34. After he was placed under arrest, law-enforcement agents recovered numerous items from MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, and from his luggage. (The luggage was searched pursuant to a warrant issued by a United States Magistrate Judge.) These items included, among other things: approximately $3,900 in United States currency, composed of one-hundred dollar bills; a sum of Iranian currency; an Iranian passport; a United States passport; and a travel itinerary reflecting a flight departing Mexico during October of 2011, with an ultimate destination of Tehran, Iran.

IV. ARBABSIAR'S CONFESSION

35. Several hours after his arrest, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, was advised of his Miranda rights and his right to a speedy presentment. ARBABSIAR agreed to waive those rights and to speak with law-enforcement agents. As set forth more fully below in the paragraphs that follow, during a series of Mirandized interviews, ARBABSIAR confessed to his participation in the plot described above.[12] In particular, and as described more fully below, ARBABSIAR admitted that he had arranged for CS-1 to murder the Ambassador; that he

[12] The interviews were conducted principally in English. Occasionally, ARBABSIAR spoke in Farsi. One of the law-enforcement agents who conducted the interviews is fluent in Farsi. A small portion of the substance of ARBABSIAR's oral statement is described in the instant Complaint. In addition to providing an oral statement, the defendant signed a typewritten statement admitting to the conduct that forms the basis for the charges herein.

(ARBABSIAR) had discussed with CS-1 the means by which CS-1 and his criminal associates would commit the murder; and that he (ARBABSIAR) made a down-payment to CS-1 for the murder by causing a total of $100,000 to be deposited in the UC Bank Account. Furthermore, ARBABSIAR admitted that in connection with this plot, he (ARBABSIAR) was recruited, funded, and directed by men he understood to be senior officials in the Qods Force, see supra ¶ 17. ARBABSIAR further explained that men he understood to be senior Qods Force officials were aware of and approved, among other things, the use of CS-1 in connection with the plot; payments to CS-1; and the means by which the Ambassador would be killed in the United States and the casualties that would likely result.

36. MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, explained that his cousin, see supra, approached ARBABSIAR in the early spring of 2011, while ARBABSIAR was in Iran, and asked ARBABSIAR to work with him (ARBABSIAR's cousin). ARBABSIAR had long understood that his cousin (hereinafter "Iranian Official #1"), was a high-ranking member of the Qods Force. ARBABSIAR told Iranian Official #1 that as a result of his business in both Mexico and the United States, he (ARBABSIAR) knew a number of people who traveled between the two countries, and some of those people, he (ARBABSIAR) believed, were narcotics traffickers. Iranian Official #1 told ARBABSIAR that he wanted ARBABSIAR to hire someone who could kidnap the Saudi Arabian Ambassador to the United States and that ARBABSIAR should find someone in the narcotics business, because people in that business are willing to undertake criminal activity in exchange for money.

37. MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, further acknowledged that Iranian Official #1 subsequently provided ARBABSIAR with thousands of dollars for expenses.[13] ARBABSIAR thereafter traveled to Mexico, where he met CS-1.[14]

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[13] In the course of his discussions with Iranian Official #1, Iranian Official #1 indicated that another individual, GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, worked for him (that is, for Iranian Official #1) as his (Iranian Official #1's) deputy. After Iranian Official #1 provided ARBABSIAR with thousands of dollars for expenses, SHAKURI separately provided ARBABSIAR with thousands of dollars for expenses.

[14] During the course of his interviews, ARBABSIAR explained how he came to meet CS-1.

38. MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, admitted that, while he was in Mexico, he (ARBABSIAR) and CS-1 discussed, among other things, a plan to kill the Ambassador by bombing a restaurant the Ambassador frequented, for which CS-1 said he would charge $1.5 million. ARBABSIAR then returned to Iran from Mexico.

39. MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, stated that upon his return to Iran, he (ARBABSIAR) met together on a number of occasions in Tehran with GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, and a third individual, who ARBABSIAR understood was a high-ranking member of the Qods Force (hereinafter "Iranian Official #2").[15] ARBABSIAR stated he also met routinely on a one-on-one basis with SHAKURI. During these meetings, the following occurred, among other things:

a. ARBABSIAR indicated that he (ARBABSIAR) had located a drug dealer in Mexico (referring to CS-1). ARBABSIAR was asked to have CS-1 kidnap or kill the Ambassador of Saudi Arabia to the United States, and told that it would need to be done fast. ARBABSIAR was also asked whether CS-1 would travel internationally, so that CS-1 could speak face-to-face with other operatives. ARBABSIAR indicated that CS-1 would not do so.

b. ARBABSIAR stated that the plan was to blow up a restaurant in the United States frequented by the Ambassador and that in light of that plan numerous people, in addition to the Ambassador, could be killed. This plan was approved.

c. ARBABSIAR was instructed to use code words when communicating with SHAKURI. For example, ARBABSIAR was instructed to use the code word "Chevrolet" for the Ambassador plot.

d. A down-payment of $100,000 to CS-1 for the

[15] ARBABSIAR has been shown an array of seven photographs. Amongst these seven photographs were one photograph of each of two men known to the United States to be senior members of the Qods Force. It is believed that these two photographs are not publicly available. ARBABSIAR identified one of these photographs as depicting Iranian Official #2. The person depicted in the photograph that ARBABSIAR identified is known to the United States to have used the alias by which ARBABSIAR knew Iranian Official #2.

murder of the Ambassador was approved.[16]

e. SHAKURI advised ARBABSIAR that an individual whom ARBABSIAR understood to be the leader of the Qods Force (hereinafter "Iranian Official #3"), was aware of what ARBABSIAR was doing and that he (ARBABSIAR) could meet with Iranian Official #3 in the future.

40. In or about late September 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, met with GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, in Tehran. ARBABSIAR explained that CS-1 wanted either to receive half of the money previously promised for the completion of the murder, or to have ARBABSIAR travel back to Mexico as a guarantee of payment, see supra ¶ 32. SHAKURI stated that no more money would be given to CS-1, and advised ARBABSIAR against traveling back to Mexico. SHAKURI said that ARBABSIAR was responsible for himself if he did travel. SHAKURI then told ARBABSIAR to get in contact with him (SHAKURI) via telephone after ARBABSIAR'S arrival in Mexico so that he (SHAKURI) could be sure ARBABSIAR was well.

V. OCTOBER 2011: RECORDED TELEPHONE CALLS BETWEEN SHAKURI AND ARBABSIAR

41. Following the arrest of MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, ARBABSIAR agreed to place a recorded call to GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant. On October 4, 2011, at the direction of federal law enforcement agents, ARBABSIAR placed a call to an Iranian telephone number ("Iranian Phone Number"). Agents monitored and recorded the call.[17] Following the call, ARBABSIAR indicated that the person he was speaking with was SHAKURI. Based on my review of the draft translation of that recording I know that SHAKURI asked, "[a]re you ok, . . . are you well?" to which ARBABSIAR responded, "Yes, I wanted to see how you're doing and to tell you I am well." SHAKURI responded, "Okay, thank God, stay well." SHAKURI then added, "I was waiting," and asked,

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[16] Subsequently, Individual #1 told ARBABSIAR that he (Individual #1) had received a delivery of money from SHAKURI. ARBABSIAR then arranged for this money to be sent from Tehran to the United States.

[17] On this call and the calls referenced in paragraphs 42 and 43, ARBABSIAR and SHAKURI spoke in Farsi. I have reviewed draft translations of these three calls.

"what news . . . what did you do about the building?" Based on my training, experience and participation in this investigation, I understand the question about "the building" to be a reference to the plot to murder the Ambassador and a question about its status. Cf. supra ¶ 30.

42. On October 5, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, placed another monitored and recorded call to the Iranian Phone Number. Following the call, ARBABSIAR indicated that the person he was speaking with was GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant. Based on my review of a draft translation of the recorded conversation, I know that during the call, the following occurred, among other things:

a. ARBABSIAR stated, "I wanted to tell you, the Chevrolet is ready, it's ready, uh, to be done. I should continue, right?" See supra ¶ 39(c) (noting that "Chevrolet" was the agreed-upon code for the plot to murder the Ambassador). SHAKURI responded, "Yes. Yes, yes." SHAKURI later asked, "You mean you are buying all of it?" ARBABSIAR responded, "I don't know for now, it's ready, okay?" SHAKURI replied, "So buy it, buy it." ARBABSIAR confirmed, "Buy it? Okay." SHAKURI then stated, "Buy it, yes, buy all of it." Based on my training, experience and participation in this investigation, I understand that SHAKURI confirmed by these statements that ARBABSIAR should move forward with the plot to murder the Ambassador.

b. ARBABSIAR then stated that "this boy wants, uh, some money, he wants some expenditure. What do you say, should we give him some more? He wants another 50," and SHAKURI responded, "With you, no, you . . . that amount is fine, [UI] brought me another car. Tell him to finish his work, then we'll give him the rest. He should buy the car for us first." Based on my training, experience and participation in this investigation, I understand that on this call, SHAKURI was insisting that CS-1 should not receive any additional money until he had killed the Ambassador.

c. Thereafter, SHAKURI urged ARBABSIAR "[j]ust do it quickly, it's late, just buy it for me and bring it already." I understand that SHAKURI is urging ARBABSIAR to accomplish the agreed upon task - the murder of the Ambassador - as quickly as possible.

43. On October 7, 2011, MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, placed another monitored and recorded call to the Iranian Phone Number. Following the call, ARBABSIAR indicated that the person he was speaking with was

GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant. Based on my review of a draft translation of the recorded conversation, I know that during the call, the following occurred, among other things:

a. ARBABSIAR stated, ". . . this Mexican, . . . keeps on insisting on the thing. He says, 'If - I need money, 50. I won't do the job if you don't pay.' And everything's ready." SHAKURI responded, "Okay." ARBABSIAR asked, "What do you say now?" SHAKURI replied, "I don't know. You guaranteed this yourself . . . of course, if we give it, we'll give it to you. Okay? If he gives it, fine; if not we must provide the 100 [or] 50. Tell him, [U/I]." ARBABSIAR then stated, "Well, yeah. Now, I - what do you say? What should I do? [U/I]" SHAKURI responded, "How much is he talking about?" ARBABSIAR said, "I don't know. He's saying, for instance, well now - he says well - so, I thought, so that the 100 we gave won't go to waste; that's why. On the other hand, we gave a 100 and that would go to waste as well." See supra ¶¶ 26-28 (noting that CS-1 was paid $100,000 as a down-payment for killing the Ambassador). SHAKURI replied, "Well, yeah, but what if you give this one it goes to waste as well?" Based on my participation in this investigation, I understand that SHAKURI was questioning whether additional payments should be made to CS-1 ("this Mexican"), in light of the fact that CS-1 had not yet killed the Ambassador, and had already been paid $100,000 ("100").

b. Shortly thereafter ARBABSIAR stated, referring to CS-1, "That's what the Mexican . . . wants . . . What can I do?" and SHAKURI responded, "Okay, today I'll discuss it to see what they say." Based on my experience and participation in this investigation, I understand that SHAKURI is explaining that he would consult with his superiors regarding whether they would be willing to pay CS-1 additional money.

c. Thereafter, SHAKURI stated, "You said that for sure they're saying that much. We didn't discuss it though, we - in any case, he needs to deliver it to us, okay?" to whic ARBABSIAR responded, "Completely. Yeah, yeah, I know what you're saying." SHAKURI then said: "You guaranteed it" and ARBABSIAR responded, "Well, I guaranteed it, but they . . . they're not ordinary people . . . they're not law abiding . . . people." See supra ¶¶ 32, 33 (CS-1 asked ARBABSIAR to travel personally to Mexico as a guarantee that CS-1 would be paid in full upon the killing of the Ambassador; ARBABSIAR thereafter traveled to Mexico). Based on my training, experience and participation in this investigation, I understand that SHAKURI was reminding ARBABSIAR that he (ARBABSIAR) traveled to Mexico to serve as a personal guarantee of full payment to CS-1 upon the killing of

the Ambassador.

d. SHAKURI then stated: "You said it yourself, they - from our point of view of - when we get our merchandise, we get our merchandise." SHAKURI added, "We have guaranteed the rest. You were our guarantee." Based on my training, experience and participation in this investigation, I understand that SHAKURI was stating that "we", meaning himself and others involved in the plot, had "guaranteed" full payment to CS-1 for the killing of the Ambassador by ARBABSIAR's presence in Mexico ("You were our guarantee"). See supra ¶¶ 32, 33.

WHEREFORE, deponent respectfully requests that MANSSOR ARBABSIAR, a/k/a "Mansour Arbabsiar," the defendant, be imprisoned, or bailed, as the case may be, and that a warrant issue for the arrest of GHOLAM SHAKURI, a/k/a "Ali Gholam Shakuri," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

O. Robert Woloszyn

(*Signed*) O. Robert **Woloszyn**
Special Agent
Federal Bureau of Investigation

Sworn to before me this
11th day of October, 2011

HONORABLE MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

United Nations S/2011/650

Security Council

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Denmark, France, Gabon, Germany, Greece, India, Italy, Lebanon, Nigeria, Norway, Portugal, Russian Federation, Spain, Ukraine, United Kingdom and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1918 (2010) and 1976 (2011),

Continuing to be gravely concerned by the growing threat that piracy and armed robbery at sea against vessels off the coast of Somalia pose to the situation in Somalia, States in the region and other States, as well as to international navigation, the safety of commercial maritime routes and the safety of seafarers and other persons, and also gravely concerned by the increased level of violence employed by pirates and persons involved in armed robbery at sea off the coast of Somalia,

Emphasizing the importance of finding a comprehensive solution to the problem of piracy and armed robbery at sea off the coast of Somalia,

Stressing the need to build Somalia's potential for sustainable economic growth as a means to tackle the underlying causes of piracy, including poverty, thus contributing to a durable eradication of piracy and armed robbery at sea off the coast of Somalia and illegal activities connected therewith,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (Convention), in particular its articles 100, 101 and 105, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Further reaffirming that the provisions of this resolution apply only with respect to the situation in Somalia and do not affect the rights and obligations or responsibilities of Member States under international law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and *recognizing* the commitment of signatory States to review their national legislation with a view to ensuring that national laws to criminalize piracy and armed robbery against ships, and adequate guidelines for the exercise of jurisdiction, conduct of investigations, and prosecutions of alleged offenders, are in place,

Please recycle

Commending those States that have amended their domestic law in order to criminalize piracy and facilitate the prosecution of suspected pirates in their national courts, consistent with applicable international law, including human rights law, and *stressing* the need for States to continue their efforts in this regard,

Noting with concern at the same time that the domestic law of a number of States lacks provisions criminalizing piracy and/or procedural provisions for effective criminal prosecution of suspected pirates,

Reaffirming the importance of national prosecution of suspected pirates for combating piracy off the coast of Somalia,

Strongly condemning the continuing practice of hostage-taking by suspected pirates operating off the coast of Somalia, *expressing serious concern* at the inhuman conditions hostage face in captivity, *recognizing* the adverse impact on their families, *calling for* the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the need for the prosecution of suspected pirates for taking hostages,

Recognizing that despite the efforts to date by States to prosecute suspected pirates at the national level, the ongoing work in this regard is still insufficient and that more must be done to ensure that suspected pirates are effectively brought to justice,

Reiterating its concern over a large number of persons suspected of piracy having to be released without facing justice, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts of the international community and *being determined* to create conditions to ensure that pirates are held accountable,

Noting with interest the conclusion in the Secretary-General's report on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360) that, assuming that sufficient international assistance is provided, piracy trials being conducted by courts in Somaliland and Puntland are expected to reach international standards in about three years, and *expressing its hope* consistent with the mentioned Secretary-General's report that this timeline will be accelerated if suitable experts, including those from the Somali diaspora, can be identified and recruited,

Welcoming the consultations between the United Nations and regional States, including the Seychelles, Mauritius, and Tanzania, and the willingness expressed by Tanzania to assist the international community, under the right conditions, to prosecute suspected pirates in its territory,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

1. *Reaffirms* that the ultimate goal of enhancing Somali responsibility and active involvement in efforts to prosecute suspected pirates, as emphasized by the Secretary-General's Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia in his report transmitted to the Security Council on 19 January 2011 (S/2011/30), remains highly relevant in the overall context of fighting piracy;

2. *Recognizes* the primary role of the Transitional Federal Government (TFG) and the relevant Somali regional authorities in eradicating piracy off the coast of Somalia;

3. *Welcomes in this regard* that the Somalia end of transition road map of 6 September 2011 includes developing counter-piracy policy and legislation in conjunction with regional entities as a key task of the Transitional Federal Institutions (TFI), and *notes* that the Security Council has made its future support to the TFI contingent upon the completion of the tasks contained in the road map;

4. *Notes with appreciation* the report of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360) prepared pursuant to paragraph 26 of resolution 1976 (2011);

5. *Reiterates* its call upon all States, and in particular flag, port, and coastal States, States of the nationality of victims, as well as of perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy, consistent with applicable international law including human rights law;

6. *Calls upon* States to cooperate also, as appropriate, on the prosecution of suspected pirates for taking hostages;

7. *Reiterates* its request, as a matter of urgency, to the TFG and relevant Somali regional authorities to elaborate, with the assistance of UNODC and UNDP, and adopt a complete set of counter-piracy laws, including laws to prosecute those who illicitly finance, plan, organize, facilitate or profit from pirate attacks, with a view to ensuring the effective prosecution of suspected pirates and those associated with piracy attacks in Somalia, the post-conviction transfer of pirates prosecuted elsewhere to Somalia, and the imprisonment of convicted pirates in Somalia, as soon as possible, and *strongly urges* the TFG and regional authorities of Somalia to expeditiously address any other existing obstacles that impede progress in this regard, and *requests* the TFG and relevant regional authorities of Somalia to provide a report to the Security Council by 31 December 2011 on action taken in each of the areas above;

8. *Calls upon* UNODC, UNDP and other international partners to further their efforts to support the development of domestic legislation, agreements and mechanisms that would allow the effective prosecution of suspected pirates, and the transfer and imprisonment of convicted pirates;

9. *Strongly urges* States that have not already done so to criminalize piracy under their domestic law, and *reiterates* its call on States to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, consistent with applicable international law including international human rights law;

10. *Urges* States and international organizations to share evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates;

11. *Calls upon* all Member States to report, no later than 31 December 2011, to the Secretary-General on measures they have taken to criminalize piracy under their domestic law and to prosecute and support the prosecution of individuals suspected of piracy off the coast of Somalia and imprisonment of convicted pirates,

and *requests* the Secretary-General to compile this information and to circulate this compilation as a document of the Security Council;

12. *Commends* the ongoing work of UNODC and UNDP, as described in the Secretary-General's report, in supporting counter-piracy trials and increased prison capacity in Somalia, consistent with the recommendation of the Secretary-General's Special Adviser on Legal Issues Related to Piracy of the Coast of Somalia;

13. *Reaffirms* that the efforts to promote effective judicial mechanisms to prosecute suspected pirates should be continued and intensified;

14. *Welcomes* the undertaking of the Secretary-General, in connection with his report (S/2011/360) to further proactively assist, at the request of the Security Council, in the taking of appropriate next steps aimed at further enhancing counter-piracy prosecution efforts;

15. *Requests* States and regional organizations to consider possible ways to seek and allow for the effective contribution of the Somali diaspora to anti-piracy efforts, in particular in the area of prosecution, as advised in the Secretary-General's report (S/2011/360);

16. *Decides* to continue its consideration, as a matter of urgency, without prejudice to any further steps to ensure that pirates are held accountable, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, and *requests* that the Secretary-General, in conjunction with UNODC and UNDP, further consult with Somalia and regional States willing to establish such anti-piracy courts on the kind of international assistance, including the provision of international personnel, that would be required to help make such courts operational; the procedural arrangements required for transfer of apprehended pirates and related evidence; the projected case capacity of such courts; and the projected timeline and costs for such courts, and to provide to the Council in the light of such consultations within 90 days detailed implementation proposals for the establishment of such courts, as appropriate;

17. *Underlines* the importance for such courts to have jurisdiction to be exercised over not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks;

18. *Recognizes* that any increase in prosecution capacity must necessarily be accompanied by a related increase in prison capacity, and *calls upon* both Somali authorities, UNODC, UNDP and other international partners to support the construction and responsible operation of prisons in Somalia in accordance with international law;

19. *Calls upon* Member States, regional organizations and other appropriate partners to support efforts to establish specialized anti-piracy courts in the region by making or facilitating arrangements for the provision of international experts, including those from the Somali diaspora, through secondment or otherwise, and to otherwise support the work of UNODC, UNDP or others in this regard through contributions to the Trust Fund;

20. *Decides* to remain seized of the matter.